IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3914 OF 2007

Anish Co-op. Hsg. Soc. Ltd. .... Petitioner.

V/s

The State of Maharashtra & Ors. .... Respondents.

Mr. S. Oak i/b Mr. Sagar Joshi for the Petitioner.

Mr. A.H. Solkar, AGP for Respondent Nos. 1 and 2.

Mr. H.V. Limaye with Mr. R.S. Apte for Respondent No.3.

Mr. A.S. Rao for Respondent No.4.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.
DATE : 26th November, 2007.

P.C.:

1. By consent of parties, Petition is disposed of in the following terms:-

(i) The order impugned in the Petition is set aside.

(ii) Respondent No.3 - Corporation shall reconsider the proposal for amendment of the layout plan at Exhibit-F to the Petition submitted by Respondent No.4 in accordance with law and after granting an opportunity of being heard to the Petitioner within a period of four weeks from today. The Corporation shall give reasons for whatever order that it may make.

(iii) For that purpose, within two weeks from today, the Petitioner - Society shall submit its representation with all necessary documents to the Respondent No. 3 - Corporation. The Respondent No.3 - Corporation shall also be at liberty to grant personal hearing to Respondent No.4 and the Petitioner while reconsidering the proposal.

(iv) Parties shall be free to adopt remedies that may be available to them under law against the order that the Corporation may make.

(v) Till the Corporation makes a fresh order, the Respondent No.4 shall not make any further construction.

(vi) It is clarified that the amendment to the layout plan sought by the Respondent No.4 is objected to by the Petitioner in so far as it contemplates construction of a building on the land which is shown as earmarked for parking space in the map at Exhibit-F referred to above.

2. Petition is disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)